

JUN - 4 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

David J. Bradley, Clerk of Court

JOE HERNANDEZ, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 1:10-79
§
CITY OF SAN BENITO, §
§
Defendant. §

ORDER

BE IT REMEMBERED, that on June 4, 2010, the Court **STRUCK** Plaintiff's Order Setting Hearing. Dkt. No. 10.

Plaintiff's proposed order sets a hearing on a motion for a preliminary injunction. *See* Dkt. No. 10 at 1. No party has made such a motion, and if Plaintiff's proposed order is to be construed as a motion, it is not accompanied by authority and lacks a certificate of conference as required by Local Rule 7.1 of this Court.

WHEREFORE, the Court **ORDERS** Plaintiff's Order Setting Hearing, Dkt. No. 10, **STRUCK**. The Court **GRANTS** Plaintiff leave to refile this order as a Motion for Preliminary Injunction in proper form no later than June 9, 2010. Any such motion must be supported by authority and explain specifically why Plaintiff meets each of the four elements required for a preliminary injunction. *See, e.g.,* Bluefield Water Ass'n, Inc. v. City of Starkville, 577 F.3d 250, 250 (5th Cir. 2009).

DONE at Brownsville, Texas, on June 4, 2010.



Hilda G. Tagle
United States District Judge